

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

No. 2:20-cv-01740 DB P

ORDER AND FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the initial complaint in this action on August 31, 2020. (ECF No. 1.) Plaintiff did not pay the filing fee or file an application to proceed in forma pauperis at that time. On September 30, 2020, plaintiff was granted a thirty-day extension of time to file an application to proceed in forma pauperis and a response to the order regarding consent or decline of a magistrate judge. (ECF No. 4.) Those thirty days have passed and plaintiff has not filed an application to proceed in forma pauperis or a response to the order regarding consent. Plaintiff has also not requested additional time to file the documents or otherwise responded to the court's order. Accordingly, the court will recommend that this action be dismissed for failure to prosecute and failure to comply with court orders.

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1 For the reasons state above, the Clerk of the Court is ORDERED to randomly assign a
2 district judge to this action.

3 IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See
4 Local Rule 110; Fed. R. Civ. P. 41(b).

5 These findings and recommendations are submitted to the United States District Judge
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within thirty days after
7 being served with these findings and recommendations, plaintiff may file written objections with
8 the court and serve a copy on all parties. Such a document should be captioned
9 “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that
10 failure to file objections within the specified time may waive the right to appeal the District
11 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

12 Dated: April 28, 2021



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15 DEBORAH BARNES
16 UNITED STATES MAGISTRATE JUDGE
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DB:1/Orders/Prisoner/Civil.Rights/R/neva1740.fr.dism
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